

**REMARKS**

Claims 1-25 remain in the application. Applicant respectfully requests reexamination.

The Office Action objected to the drawings on the grounds that reference signs 21a, 21b and 35 were not mentioned in the description. The specification has been amended at page 3, last paragraph, to specifically address the elements pointed out by reference signs 21a and 21b. Applicant respectfully refers the Examiner to page 4, lines 21 and 23, for a description of reference sign 35. Applicant respectfully requests that the drawing objections be withdrawn.

Claim 23 was objected to because of a specific informality. Applicant has amended Claim 23 to obviate this objection. Applicant respectfully requests that the objection to Claim 23 be withdrawn.

Claims 1-25 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. The Office Action pointed out specific alleged points of indefinites with respect to Claims 1, 3, 8, 10, 11, 14 and 25. These claims have been amended to overcome the alleged insufficient antecedent basis for recitations in these claims. Applicant respectfully requests that these rejections be withdrawn.

Claims 1-4 and 15-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Kemp* (2,230,689). Applicant respectfully traverses. *Kemp* does not show or contemplate, "a top having an outside perimeter," or "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body, up to the waist, of a user, said top attached to the open second end of the envelope." With respect to Claim 3, *Kemp* does not show or contemplate, "said top is attached at a portion of its perimeter by a strap

to the open second end of said envelope." What *Kemp* shows is a seat, not a top, attached to the side of an envelope. The seat actually forms a part of the envelope.

Applicant respectfully requests that this rejection be withdrawn.

Claims 1-4, 6, 8, 10-11, 15-19 and 21 were rejected under 35 U.S.C. § 102(b) as anticipated by *Povey* (3,597,764). Applicant respectfully traverses. *Povey* does not disclose, "a top having an outside perimeter," or "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom." Nor does the top and bottom of *Povey* function to contain the envelope within the space between the top and bottom when the top and bottom are fastened together. The spectator protector of *Povey* is instead folded into a separate carrying case 70 having handles 72 and a slide-type fastener assembly 74 extending along a major portion of the periphery thereof. (Column 3, lines 30-35.) With respect to Claim 3, *Povey* does not show or contemplate, "said top is attached at a portion of its perimeter by a strap to the open second end of said envelope." *Povey* discloses an inflatable seat cushion 64 that is built into the side of the envelope. (Column 2, lines 66-69.)

Applicant respectfully requests that this rejection be withdrawn.

Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over *Kemp* in view of *Rothman* (6,311,330). Applicant respectfully traverses. Even if *Kemp* and *Rothman* were combinable as suggested in the Office Action, the combination still does not show or contemplate, "a top having an outside perimeter," or "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body up to the waist of a user, said top attached to the open second end of the envelope."

Applicant respectfully requests that this rejection be withdrawn.

Claims 7 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Kemp* in view of *Livingston* (6,493,891). Applicant respectfully traverses. Even if *Kemp* and *Livingston* were combined as suggested in the Office Action, the combination still does not contemplate or teach "a top having an outside perimeter," or "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body, up to the waist, of a user, said top attached to the open second end of the envelope." Applicant respectfully requests that this rejection be withdrawn.

Claim 9 was rejected under 35 U.S.C. § 103 as being unpatentable over *Kemp* in view of *Hyman* (3,665,517). Applicant respectfully traverses. Even if the combination of *Kemp* and *Hyman* were appropriate as suggested in the Office Action, the combination still does not contemplate or teach a "a top having an outside perimeter," or "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body, up to the waist, of a user, said top attached to the open second end of the envelope." Applicant respectfully requests that this rejection be withdrawn.

Claims 13-14 were rejected as unpatentable over *Kemp*. Applicant respectfully traverses. Applicant asserts here the lack of teaching in *Kemp* of the elements of Claim 1, as noted above. Applicant respectfully requests that this rejection be withdrawn.

Claims 7 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Povey* in view of *Livingston* (6,493,891). Applicant respectfully traverses. Even if the combination of *Povey* and *Livingston* were proper as asserted in the Office Action, the combination does not

show or contemplate "a top having an outside perimeter," or "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body up to the waist of a user, said top attached to the open second end of the envelope." Applicant respectfully requests that this rejection be withdrawn.

Claim 9 was rejected under 35 U.S.C. § 103 as unpatentable over *Povey* in view of *Hyman* (3,665,517). Applicant respectfully traverses. Even if the combination of *Povey* and *Hyman* were proper as suggested in the Office Action, the combination does not show or teach "a top having an outside perimeter," "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body up to the waist of a user, said top attached to the open second end of the envelope." Applicant respectfully requests that this rejection be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over *Povey* in view of *Rothman*. Applicant respectfully traverses. Even if the combination of *Povey* and *Rothman* were proper as suggested in the Office Action, the combination does not show or contemplate "a top having an outside perimeter," "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body up to the waist of a user, said top attached to the open second end of the envelope." Applicant respectfully rejects that this rejection be withdrawn.

Claims 13-14 and 22-25 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Povey*. Applicant respectfully traverses. The shortcomings of *Povey* have been chronicled


above. Clearly, *Povey* does not show or teach "a top having an outside perimeter," "a fastener extending along the outside perimeter of said top and bottom to connect and disconnect the top from the bottom," or "an envelope closed at a first end by said bottom and open at a second end to receive the feet, legs and lower body up to the waist of a user, said top attached to the open second end of the envelope." Applicant respectfully requests that this rejection be withdrawn.

Applicant has reviewed the Prior Art made of record but not relied upon in the Office Action. Applicant respectfully submits that any of this prior art, by itself, or in any combination with itself or any of the references applied to the claims, do not render the claims unpatentable.

In light of the above amendment and remarks, applicant respectfully submits that the claims are in condition for allowance and requests an early indication of same.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 2, 2003.

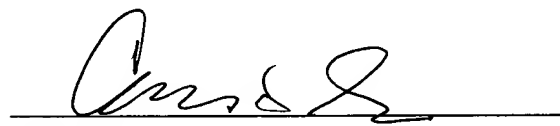
By: \_\_\_\_\_

  
Signature

Dated: May 2, 2003

Very truly yours,

**SNELL & WILMER L.L.P.**

  
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